

Review of State Solid Waste Management Policies

Recommendations for Moving Maine Beyond 50% Recycling



A Report of the Maine State Planning Office
to the Joint Standing Committee on Natural Resources
122nd Maine Legislature, 2nd Regular Session

April 2006

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The State Planning Office submits this report to the Governor, the Maine Department of Environmental Protection, and the Maine Legislature's Joint Standing Committee on Natural Resources in accordance with 38 M.R.S.A. §2123-B. This report outlines the State Planning Office's recommendations for planning Maine's future solid waste management system.

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Cover Photos:

First Lady Karen Baldacci presents a recycling poster contest award to a young artist from Bangor (2004)
Massabessic Junior high school students participate in an outdoor clean-up as part of Maine Recycles Week (1999)
A young boy takes advantage of Maine's Creative Resource Center in Portland (2005)

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Executive Summary

Convening the Task Force

State law charges the State Planning Office with planning for solid waste management and convening a solid waste task force every five years to consider policy issues (38 M.R.S.A. §2122 and §2123-B). The full statutory language appears in Appendix A.

The office convened a task force in 2005 and engaged task force members in a process to clarify the variety of perspectives on solid waste issues. This approach differs from that used in the past. Instead of seeking consensus, the office sought a full discussion from task force members on an array of policy questions in order to inform its review of solid waste management.

Task force members represented the diverse solid waste interests in Maine. A list of members appears in Appendix B.

The task force met three times in the fall of 2005 for discussion and once in the spring of 2006 to review a draft of this report. Appendices C and D provide information on the task force meeting process.

Maine's Current System of Solid Waste Management

The task force found that solid waste management in Maine has evolved into a complex system with many component parts including recycling, waste processing, incineration, power generation, municipal and private landfilling, collection and transportation systems, and more. Any major change in policy would have ripple effects throughout the system, including impacting both public and private investment.

In 1989, the Legislature adopted a publicly-managed solid waste system that includes:

- Declaration of a solid waste management hierarchy
- A statewide goal to recycle 50% of municipal solid waste
- State assistance for municipal recycling programs
- Provision for planning, policy development, and municipal technical assistance separate from regulatory functions
- A ban on new commercial solid waste disposal facilities
- State responsibility for siting and operating new solid waste disposal facilities
- Reinforcement of municipal responsibility for managing solid waste

State support for biomass boilers and waste-to-energy facilities for energy generation began in the mid-1980s when the Public Utilities Commission ruled utilities must buy electricity from alternate energy sources; the state permitted biomass boilers for cost-effective disposal capacity for paper mills and timber landowners; and federal funds became available to construct waste-to-energy facilities.

Emerging Changes

Since the establishment of the above policy framework, significant changes have occurred. These changes include:

- Continuing growth in the amount of waste generated by residents and businesses
- A growing concern over toxics contained in household products
- A growing public awareness of environmental impacts of solid waste facilities, including air and water quality, truck traffic, and aesthetic issues including visual impacts, noise and odors
- Increased difficulty in siting solid waste facilities
- Rising costs and increasing expertise needed to operate disposal facilities
- Increasing fuel costs
- The state's acquisition and operation of Juniper Ridge Landfill
- An increase in imported solid waste and bypass waste
- Many public programs having maximized participation in recycling programs using current methods

These changes suggest a re-examination of Maine's current solid waste policy framework.

Task Force Suggestions

Task force members did not advocate major changes in the current solid waste policy framework. They did note many of the emerging changes listed above, discussed impacts of these changes, and offered suggestions for system improvements. Appendix E contains their ideas and suggestions.

Moving Beyond 50% Recycling

In the nearly 20 years since the inception of the current solid waste management system, municipalities, businesses, and residents have worked to achieve the state's 50% recycling goal, with good results. Based on the State Planning Office's calculation, which includes construction and demolition debris, we recycle 35% of our municipal solid waste. According to the U.S. Environmental Protection Agency, which excludes

construction and demolition debris, we recycle 49% of our waste. In EPA's ranking, Maine is the top recycler in the nation.

The State Planning Office believes Maine will not be able to achieve a 50% recycling goal without considerable upgrades in collection and processing methods and stronger markets for recyclables. Efforts to minimize volume and toxicity of waste also require our attention. What's more, we need to maximize use of waste as a resource and minimize its consumption of landfill capacity. It is time to move beyond a 50% recycling goal and view waste, not as a disposable, but as a resource.

The State Planning Office endorses moving beyond our 50% recycling goal. We can continue that goal **and** work on minimizing waste generation and maximizing waste diversion by encouraging new and expanded uses for solid waste generated in Maine as a resource.

Summary of Recommendations

Informed by the work of the task force, the State Planning Office offers 16 recommendations for planning Maine's future solid waste management system. The recommendations are grouped into four categories:

1. recommendations that affirm existing state policies;
2. policy recommendations, which would require a statutory change;
3. research and data collection recommendations, which would lead to studies and reports to assist policy deliberations; and
4. programmatic recommendations, which can be undertaken by the office within existing statutory authority.

Section II of the report contains a policy analysis of each recommendation.

Affirm Existing State Policy

1. Maintain the solid waste management hierarchy to guide the management of Maine's municipal solid waste in order to reduce the volume of waste requiring disposal. (No Change)
2. Maintain the 50% recycling goal. Continue to calculate and publish the statewide recycling rate using both state and federal methodologies. (No Change)
3. Keep the ban on the development of new commercial disposal facilities. (No Change)
4. Continue state responsibility for siting and operating new solid waste disposal facilities. (No Change)
5. Preserve existing municipal responsibility for managing solid waste. (No Change)

6. Continue to support regional approaches to solid waste management. Maintain and replenish the Fund for the Efficient Delivery of Local and Regional Services as one way to fund planning and implementation of regional approaches to solid waste management. (No Change)

Policy Recommendations

Ongoing Review of Solid Waste Policy in Maine

7. Establish a solid waste advisory council to replace the current solid waste management policy review task force. The council would meet at least once a year and guide the State Planning Office on both policy and programmatic issues. (Statutory Change)
8. Update the waste generation and disposal capacity report section of the state plan annually and brief the Governor, Department of Environmental Protection, and Joint Standing Committee on Natural Resources on new information contained in the update. (Statutory Change)

Move Beyond 50% Recycling

9. Add a legislative policy statement that favors waste reduction and maximizing waste diversion by encouraging new and expanded uses of solid waste generated in Maine as a resource. (Statutory Change)

Lengthen the Trigger

10. Lengthen from four to six years the ‘trigger’ for the office to alert the Legislature of the need to develop state-owned disposal capacity. (Statutory Change)

Revisit Host Community Benefits

11. Revisit host community benefits to establish a clear and balanced process for negotiating host community benefits. Develop a protocol for the review of community benefit agreements during their lifespan. (Statutory Change)

Research and Data Collection Recommendations

Quantify the Impacts of Solid Waste Policy in Maine

12. Conduct an analysis for use by policymakers of the economics of Maine’s solid waste system, costs and benefits of changes to that system, and effects of change on solid waste stakeholders, including but not limited to:
 - social, environmental, and financial costs and benefits of the current system
 - social, environmental, and financial costs and benefits of changes to the current public and private ownership of solid waste disposal facilities
 - costs and benefits of significantly increasing recycling

- the economic and environmental impacts of out-of-state generated solid waste on existing management and disposal infrastructure
- a comparative analysis of various methods of disposal, including what currently exists in Maine and emerging technologies
- effective use of state resources in managing solid waste. (Research/Study)

Reuse Construction and Demolition Debris

13. Explore options for reusing Maine-generated construction and demolition debris as a resource, including examining what other states have done. Analyze the cost-benefit of incentives and disincentives to support the management of this material. (Research/Study)

Broaden the State's Disposal Capacity Analysis

14. Expand the analysis of the state's needs and capacity for managing waste, by adding the following:
 - cover a 25-year time horizon
 - identify and assess any regional capacity issues
 - assess volume as well as tonnage
 - assess stability and life expectancy of existing facilities
 - assess the amount and type of imported and exported waste, how it is being used, and where it is going
 - develop a protocol for responding to natural disasters
 - assess impact of recycling on disposal capacity
 - analyze recycling and processing capacity. (Research/Study)

Fund Public Recycling

15. Assess the results of state grants given to municipalities in the past, establishing benchmarks of success. Use this analysis, and take into account developments in technology, to inform future funding proposals for public recycling programs. (Research/Study)

Programmatic Recommendations

Fund Public Recycling Education

16. Design and develop funding proposals for an on-going public education and outreach campaign on the value of recycling and composting, targeting residents and businesses statewide. (Programmatic)